



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/736,468	12/14/2003	Walter E. Pipo	PipoE_CIP_1_03	3489
------------	------------	----------------	----------------	------

34442	7590	04/04/2006
-------	------	------------

PATRICIA M. COSTANZO
PATS PENDING
P.O. BOX 101
ELMA, NY 14059

EXAMINER

CARIASO, ALAN B

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,468

Applicant(s)

PIPO ET AL.

Examiner

Alan Cariaso

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment filed 21 December 2005 is acknowledged. Claims 21-24 are pending and newly submitted. Substitute specification with further amendment filed 21 December 2005 is noted, has overcome previous object or matter of informalities, and therefore has been entered. The indicated allowability of original claims 8, 10 and 12, now submitted as claims 21-23 respectively, is withdrawn in view of the newly discovered reference(s) to MORI (US 4,510,555) and MOUISSIE (US 4,845,596) and of indefiniteness regarding the claimed exchangeable light source with cable. Rejections based on the newly determined indefiniteness and newly cited reference(s) follow.

Drawings

2. The drawings were received on 23 January 2006. These drawings are approved.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 21-23, line 4 of each claim, "said solid object" lacks antecedent basis, and is indefinite as being the same as or a part of the preceding "self-illuminating fabricated solid object assembly".

6. Claims 21-23 commonly recite "at least one receptacle" in two occurrences at the beginning of paragraphs (f) and (g). The two occurring "at least one receptacle" limitations are indefinite as being the same part or two different parts, at least one of which belonging to or operatively relating to the aperture of the solid object. If they are the same, then the proceeding "receptacle" should be addressed with the article "said" or "the". If they are different, different terms or further structural claim language that designates this receptacle to another part other than the aperture of the solid object should inserted.

7. Claims 21-23 commonly recite "wherein said light source additionally comprises at least one fiber optic cable, said cable adapted for the transmission of light from said at least one exchangeable light source". This is indefinite because it identifies said light source as additionally comprising at least one fiber optic cable, and therefore the phrase "said cable adapted for the transmission of light from the at least one exchangeable light source" makes it unclear as to what parts constitutes the light source and between which distinct parts perform the stated action or adaptation. This may be clarified if the exchangeable light source also includes a lamp or bulb, from which transmission of light originates and directed to the cable, all of which would comprise the exchangeable light source.

8. Furthermore in claims 21-23, the common recitation of “at least one receptacle receiving an exchangeable light source” (paragraph g), where the exchangeable light source now includes a cable, is indefinite as to whether or not the receptacle associated with the aperture of the solid object also receives entirely or partly the cable and light source lamp, or light source means in claim 24. According to the specification (pg.13, paragraph 23, lines 10-12), it appears that socket 48 is adapted for receiving fiber optical cable 70 and that the light source means is remote from the solid object.

9. Claim 23, line 17, the limitation “at least one visually expose surface” is indefinite as being the same as or different from the “at least one visually expose surface” recited in preceding line 2.

10. Claim 24, lines 2-3, the limitation “said light source means” lacks antecedent basis and is indefinite in its relationship to the preceding “exchangeable light source”.

11. Furthermore, claim 24 recites “said at least one receptacle comprises locking means for securely holding said light source means in place”, which is indefinite as to including securing the cable within the receptacle when the light source means (meaning light emitting means 42) is locked in place, which may be contrary to the description in paragraph 0023 that light emitting means 42 is remote from the solid object.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2875

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. As best understood, claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by MORI (US 4,510,555).

14. MORI discloses a fabricated solid object (10) assembly comprising: at least one visually exposed surface (top of lighting device or screen 10, fig.1); at least one aperture (defined by the aperture occupied by coupling 28) opening on an accessible surface (12, fig.1); at least one optical fiber (30_{sub1} to 30ⁿ) positioned within the solid object (10, fig.1); a first end of the optical fiber (30) visually terminating at the visually exposed surface (top of 10, fig.1) of the solid object (10); a second end (4 contiguous cross-sectional circles shown in phantom within pedestal 12 in fig.1) operatively related to the aperture to receive light, at least one receptacle (optical coupling 28) operatively related to the aperture, the receptacle (28) receiving the second end of the optical fibers (30_{sub1} to 30ⁿ) providing for the second end of the optical fibers to receive light, at least one receptacle (28) receiving an exchangeable light source (col.2, lines 3-4) additionally comprising at least one fiber optic cable (26) adapted for transmission of at least part of the light from the exchangeable light source to the first end (col.2, lines 15-27) of the optical fiber (30_{sub1} to 30ⁿ); wherein the at least one fiber optic cable (26) is receivable by a plurality of solid objects (fig.1 shows another object 10' in fig.1 receiving cable 26).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over MORI (US 4,510,555) in view of MOUISSIE (US 4,845,596).

17. MORI disclosed the claimed invention except a plurality of predetermined patterns comprising informational messages on at least one visually exposed surface.

18. MOUISSIE teaches a panel (15, figs.4-5), in the same field of endeavor, defining a visually exposed surface that includes a pattern of information messages (col.1, lines 15-18) for the purpose of visually indicating information messages vital to signaling or indicating operation of vehicles, measuring instruments and consumer electronics while having space-saving and energy-saving advantages over a strong backlight light source (col.1, lines 19-39).

19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lighting device of MORI to include the type of information message patterns on the panel as taught by MOUISSIE in order to expand the space-save and energy-saving advantages to backlighting or visually illuminating information messages in vehicle panels, instrument panels and consumer electronics.

Allowable Subject Matter

20. Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

21. The following is a statement of reasons for the indication of allowable subject matter: the at least one receptacle comprises locking means for securely holding said light source means in place, in combination with the light source additionally comprises at least one fiber optic cable and the receptacle receiving an exchangeable light source.


Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. PARKER (US 6,185,356) shows in figs.16A & 16B one fiber optic (1160) received in an elongate solid object (1170), and mechanically and optically connected to a unitary light source and power source (1070), and shows/teaches in fig.15A, replacing the light-power source (1070) with another light source being a light pipe (1090) that includes a optical cable (1094) with remote lamp, col.13, lines 1-11. TRUDEAU et al (US 2004/0032748 A1) show optical fibers (8) embedded in a hardened substrate (4) as in cement/concrete structure, with the fiber ends forming at least one informational symbol (fig.7 & 10), and the hardened substrate including an opening or internal space for receiving coupling light source/fiber and batteries (figs.9 & 12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alan Cariaso
Primary Examiner
Art Unit 2875

April 1, 2006
AC